

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ROBERT SAENZ,

Plaintiff,

v.

R. ROQUE, *et al.*,

Defendants.

Case No. 1:24-cv-01440-EPG (PC)

FINDINGS AND RECOMMENDATIONS
THAT THIS CASE PROCEED ONLY ON
PLAINTIFF'S FOURTEENTH
AMENDMENT DUE PROCESS CLAIMS
AGAINST DEFENDANT R. ROQUE AND
DEFENDANT GONZALEZ

(ECF Nos. 1, 9, 10)

OBJECTIONS, IF ANY, DUE WITHIN 30
DAYS

Plaintiff Robert Saenz proceeds *pro se* and *in forma pauperis* in this civil rights action filed under 42 U.S.C. § 1983. (ECF No. 1). The complaint alleges that correctional officer Gonzalez planted a syringe on Plaintiff then filed a false Rules Violation Report ("RVR") against him. The complaint also alleges that Lieutenant Roque denied him due process during the RVR hearing.

On May 15, 2025, the Court screened the complaint, concluding that Plaintiff sufficiently stated a claim for violation of his due process rights under the Fourteenth Amendment against Defendants Roque and Gonzalez. (ECF No. 9). The Court explained why the complaint otherwise failed to state any claims and gave Plaintiff thirty days to either file (1) a notice to go forward on his cognizable claims, (2) an amended complaint; or (3) a notice to stand on his complaint and have it reviewed by a district judge. (*Id.*).

1 On May 23, 2025, Plaintiff filed a notice stating that he wants to proceed only on the
2 Fourteenth Amendment due process claims against Defendants Roque and Gonzalez that the
3 Court found cognizable. (ECF No. 10).

4 Accordingly, for the reasons set forth in the Court's screening order that was entered on
5 May 15, 2025 (ECF No. 9), and because Plaintiff has notified the Court that he wants to
6 proceed on the Fourteenth Amendment due process claims that the Court found should proceed
7 past screening (ECF No. 10), IT IS RECOMMENDED that all claims other than Plaintiff's
8 Fourteenth Amendment due process claims against Defendants Roque and Gonzalez be
9 dismissed.

10 Additionally, the Clerk of Court is DIRECTED to assign a District Judge to this case.

11 These findings and recommendations will be submitted to the United States District
12 Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within
13 thirty (30) days after being served with these findings and recommendations, Plaintiff may file
14 written objections with the Court. The document should be captioned "Objections to Magistrate
15 Judge's Findings and Recommendations." Any objections shall be limited to no more than 15
16 pages, including exhibits. Plaintiff is advised that failure to file objections within the specified
17 time may result in the waiver of rights on appeal. *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39
18 (9th Cir. 2014) (citing *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991)).

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20 IT IS SO ORDERED.

21 Dated: June 2, 2025

22 /s/ Eric P. Grogan
23 UNITED STATES MAGISTRATE JUDGE
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